

OIL FUND DISBURSEMENT BOARD

Proceedings of Meeting June 28, 2004 9:00 a.m. (LOB Room 305)

Board Members Present: Rep. Robert G. Holbrook, Chairman; Kevin Sheppard, P.E. Vice Chairman; Senator John Barnes; Rep. D.L. Christensen; Raymond Bellemore; Scott Bryer, CPA; James E. Connolly, Jr; Russell A. Nylander, P.E.; Ronald Poirier, James Robertson

Board Members Absent: Senator Frank Sapareto; Thomas Frawley

DES Staff: Frederick J. McGarry, P.E. DEE; George Lombardo, P.E.; Timothy R. Denison

Other Attendees: Maureen Smith, Esq. & Richard Head, Esq.; Dept of Justice; Beth Kelley & David Batchelder, Bouley Associates, Representing ACEC-NH

Chairman Holbrook called the meeting to order at 9:05 a.m.

9:40 a.m. meeting adjourned
9:50 a.m. meeting reconvened
9:53 a.m. Ms. Smith retired

Mr. Connolly moved to authorize the Attorney General to enter into a settlement agreement in the case of Joyce-Page v. Draper Energy, for a total payment of \$316,000 and a transfer of property from Joyce-Page to Draper Energy. The Oil Discharge & Disposal Cleanup Fund will contribute a total of \$25,000 under the third-party damage provisions of the rules. In the event that Draper Energy sells the property for more than \$291,000, it will repay the fund the amount in excess of \$291,000, up to \$25,000. Mr. Robertson seconded the motion. All in favor, motion carried.

1. Minutes of May 24, 2004 Meeting
Mr. Bellmore moved to approve the minutes of the May 24, 2004 meeting. Mr. Poirier seconded the motion. All in favor, motion carried.
2. Town of Conway RSA 146-G Funding Request (Timothy Denison)
A request was made by the Town of Conway for reimbursement of water treatment system costs incurred in 2001 for MtBE contamination. ***Mr. Robertson moved to approve the request subject to DES review. Mr. Connolly seconded the motion. All in favor, motion carried.***
3. Import Fee Interest & Penalty Waivers
Category 1 Timeliness and Category 2 Voluntary Late Reporting. ***Sen. Barnes moved to accept the Department of Safety recommendations. Rep. Christensen seconded the motion. All in favor, motion carried.***

4. Request for Waiver of Odb 601 (Timothy Denison)
Odb 601.14 SOW Approval – Janet Finn Arlington Pond Area Phase I, Salem. ***Mr. Robertson moved to approve the waiver based on the DES recommendation. Mr. Bellemore seconded the motion. All in favor, motion carried.***
5. Requests for Waiver of AST Registration Date (Timothy Denison)
Province Sand & Gravel, Belmont; Lafayette Petroleum; Manchester; Bellemore Heating Oil/Irving Bulk Plant; Bedford; ***Mr. Robertson moved to approve the waivers. Sen. Barnes seconded the motion. Nine (9) in favor, one abstention, motion carried.***

Options for improving the AST facility registration process were discussed.

6. Proposed 2005 Legislation - RSA 146-E (Timothy Denison)
DES presented options for proposed legislation to increase the existing \$1,000 funding limit for on-premise-use facility release prevention upgrades, authorized under RSA 146-E. Further discussion and rulemaking options will be considered at a future meeting, held prior to the deadline for filing proposed legislation for 2005.
7. Monthly Financial Reports and Related Matters (Timothy Denison)
Mr. Denison presented the reports for May 2004.
8. Monthly Activity Reports & Related Matters (Timothy Denison)
Mr. Denison reviewed the monthly activity reports for May 2004.
9. Legislation Update (Frederick McGarry)
The Governor signed SB-19 into law. This bill requires notification(s) to owners of properties within a 500' radius of the presence of groundwater contamination. SB-397 passed into law without signature, and would ban the use of MtBE in the state. This ban is dependent on the timing of EPA approval to opt-out of the RFG Program.
10. Other Business:
The next Board meeting will be held on August 23, 2004, at 9:00 a.m.

Meeting adjourned at 10:23 a.m.